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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**  
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12 LEANN M. PINGUELO,

13 Plaintiff,

14 v.

15 FEDERAL HOME LOAN MORTGAGE  
16 CORPORATION; SIMONICH CORPORATION  
17 dba BWC MORTGAGE SERVICES, BANK OF  
18 AMERICA CORPORATION; BANK OF  
19 AMERICA, N.A., successor in interest to  
20 COUNTRYWIDE FINANCIAL  
21 CORPORATION the parent company of  
22 COUNTRYWIDE HOME LOAN SERVICING,  
23 LP; BAC HOME LOAN SERVICING, INC.;  
24 FIRST CENTENNIAL TITLE COMPANY OF  
25 NEVADA, INC.; MORTGAGE ELECTRONIC  
26 REGISTRATION SYSTEMS, INC; MTC  
27 FINANCIAL INC dba TRUSTEE CORPS, and  
28 DOES 1 thru 10, inclusive,

Defendants.

CASE NO: 3:11-CV-00615-RCJ-VPC

**ORDER VOIDING/CANCELING  
NOTICE OF DEFAULT,  
TRUSTEE'S DEED, AND  
INJUNCTION FROM EVICTING  
PLAINTIFF FROM RESIDENCE**

1 Application for an order to show cause regarding preliminary injunction having been  
 2 made on behalf of Plaintiff, LEANN PINGUELO ("Plaintiff"); the noticed hearing was held on  
 3 September 14, 2011, at 9:00 a.m. in the above entitle court; attorney Tory M. Pankopf appeared  
 4 on behalf of Plaintiff; attorney Allison R. Schmidt appeared on behalf of Defendants FEDERAL  
 5 HOME LOAN MORTGAGE CORPORATION; BANK OF AMERICA CORPORATION;  
 6 BANK OF AMERICA, N.A., successor by merger to BAC HOME LOANS SERVICING,  
 7 INC., fka COUNTRYWIDE HOME LOANS SERVICING, LP (incorrectly named BANK OF  
 8 AMERICA, N.A., successor in interest to COUNTRYWIDE FINANCIAL CORPORATION  
 9 the parent company of COUNTRYWIDE HOME LOAN SERVICING, LP), and MORTGAGE  
 10 ELECTRONIC REGISTRATION SYSTEMS, INC; attorney James M. Walsh appeared on  
 11 behalf of FIRST CENTENNIAL TITLE COMPANY OF NEVADA, INC.; attorney Michael E.  
 12 Sullivan appeared on behalf of MTC FINANCIAL INC. dba TRUSTEE CORPS; and no  
 13 appearance was made on behalf of SIMONICH CORPORATION dba BWC MORTGAGE  
 14 SERVICES (collectively, "Defendants").

15 As directed by this Court, counsel for Plaintiff has prepared the following order and  
 16 conferred with counsel for Defendants appearing at the hearing and, after such consultation,  
 17 submits the following Order: 1) voiding the March 17, 2009, notice of default and election to  
 18 sell ("NOD"); 2) voiding/canceling the trustee's deed upon sale recorded on August 26, 2011,  
 19 at 3:25:05 p.m., in the Recorder's Office in and for the County of Washoe as DOCUMENT  
 20 NUMBER 4035032 (Hereinafter, "Trustee's Deed")(Attached hereto as Exhibit "1" is a true  
 21 and correct copy of the Trustee's Deed) affecting real property as described herein:

22 All that certain real property situate in the County of Washoe, State of Nevada,  
 23 described as follows:

24 ///

26 ///

28 ///

1 **17000 Wedge Parkway #2421, NV, 89511**, assessor parcel no. of 142-322-25

2 **PARCEL 1:**

3 UNIT 245 in Building 24 of the official plat of FALLEN LEAF @ GALENA  
4 CONDOMINIUMS, according to the map thereof, filed in the office of the  
5 County Recorder of Washoe County, State of Nevada, on February 8, 2005, as  
6 File No. 31666983 of official records and as Tract Map No, 4443, and as  
7 amended by certificate of Amendment which recorded September 16, 2005, as  
8 Document No. 3278062, official records of Washoe County, Nevada.

9 **PARCEL 2:**

10 An undivided 1/2445 interest in and to all common elements as set forth in that  
11 certain Declaration of Covenant, Conditions and Restrictions for Fallen Leaf,  
12 recorded February 8, 2005, as Document No. 3166987, of official records and  
13 as shown on official plat of FALLEN LEAF @ GALENA CONDOMINIUMS,  
14 according for the map filed for record in the office of the County Recorder of  
15 Washoe County, State of Nevada, on February 8, 2005, as File No. 3166983, of  
16 official records and as tract Map No. 4443, and as amendment by Certificate of  
17 Amendment which recorded September 16, 2005, as Document No. 3278062,  
18 Official records of Washoe County, Nevada.

19 (Hereinafter, the "Property"); and 3) granting an injunction enjoining Defendants from evicting  
20 Plaintiff from the Property.

21 **ORDER**

22 This Order incorporates by reference the Court's findings in its Order after hearing, and  
23 is supported by the reasons articulated in that Order. Fed. R. Civ. Proc. 52(a)(2) & 65(d)(1)(A).  
24 This Order is intended to further elaborate upon the specific terms of the Order  
25 Voiding/Canceling the NOD, the foreclosure sale of the Property and the recorded Trustee's  
26 Deed thereafter, the Injunction granted September 14, 2011, and to describe in reasonable detail  
27 the acts restrained thereby. Fed. R. Civ. Proc. 65(d)(1)(B) and (C). Therefore, in furtherance of  
28 its September 14, 2011, Order after hearing, the Court hereby orders the following:

1. On August 11, 2011, the Second Judicial District Court in and for the County of  
Washoe, State of Nevada, upon application by the Plaintiff, entered a temporary restraining  
order enjoining Defendants from foreclosing on the Property until after the hearing regarding an  
order to show cause why a preliminary injunction should or should not issue was heard on

1 September 2, 2011 ("TRO"). Despite the TRO being in force, the Property was sold at a  
2 foreclosure sale on August 16, 2011, at 11:00 a.m., and the Trustee's Deed was recorded on  
3 August 26, 2011. Therefore, it is adjudged and decreed, the August 16, 2011, foreclosure sale of  
4 the Property and the Trustee's Deed are VOID and the August 26, 2011, recording of the  
5 Trustee's Deed is CANCELED, RELEASED, and EXPUNGED. This Order canceling the  
6 above referenced Trustee's Deed has the same effect as an expungement of the original Trustee's  
7 Deed. Defendants shall, within reasonable time after entry of this Order, cause a certified copy  
8 of this Order canceling the Trustee's Deed to be recorded in the Office of the Recorder in and for  
9 the County of Washoe, Nevada.

10  
11 2. This Injunction pertains to the VOIDED August 26, 2011, foreclosure sale of the  
12 Property. Plaintiff is granted an Injunction against Defendants, all their agents, employees,  
13 attorneys, successors in interest, and all those in active concert or participation with them, are  
14 enjoined and restrained from initiating or completing an unlawful detainer action against  
15 Plaintiff resulting in her eviction from the Property.

16 3. Defendants may cure the defect and foreclose on the Property anew by canceling  
17 the NOD and causing a new notice of default and election to sell the Property to be served on the  
18 Plaintiff and recorded in Washoe County, Nevada.

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20 **IT IS SO ORDERED.**

21 Dated: October 7, 2011

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24   
25 The Honorable Robert C. Jones  
26 United States District Judge  
27  
28

# **EXHIBIT “1”**

DOC#4035032  
08/26/2011 03:25:05 PM  
Electronic Recording Requested By  
PACIFIC COAST TITLE  
Washoe County Recorder  
Kathryn L. Burke - Recorder  
Fee: \$40.00 RPTT: \$0  
Page 1 of 2

APN # 142-322-25

[RECORDING REQUESTED BY:]  
Trustee Corps  
c/o Security Union Title Pacific Coast Division  
30 Corporate Park Dr., Suite 400  
Irvine, CA 92606

[WHEN RECORDED MAIL TO  
AND SEND TAX STATEMENTS TO:]

FEDERAL HOME LOAN MORTGAGE CORPORATION  
400 Countrywide Way  
MS SV-35  
Simi Valley, CA 93065

The undersigned hereby affirms that there is no  
Social Security number contained in this document.

[SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY]

Trustee Sale# NV0938151-2 Order# 55004709

## **TRUSTEE'S DEED UPON SALE**

The undersigned grantor declares:

- 1) The Grantee herein **WAS** the foreclosing beneficiary.
- 2) The amount of the unpaid debt together with costs was: **\$305,151.73**
- 3) The amount paid by the Grantee at the trustee sale was: **\$130,000.00**
- 4) The documentary transfer tax is **\$0.00**
- 5) Said property is in the city of **RENO**
- 6) A.P.N. **142-322-25**

and **MTC FINANCIAL INC. dba TRUSTEE CORPS** (herein called Trustee), as the duly appointed Substituted Trustee under the Deed of Trust hereinafter described, does hereby grant and convey, but without covenant or warranty, express or implied, to **FEDERAL HOME LOAN MORTGAGE CORPORATION** (herein called Grantee), all of its right, title and interest in and to that certain property situated in the County of **Washoe**, State of **Nevada**, described as follows:

### **PARCEL 1:**

**UNIT 245 IN BUILDING 24 OF THE OFFICIAL PLAT OF FALLEN LEAF @ GALENA CONDOMINIUMS, ACCORDING TO THE MAP THEREOF, FILED IN THE OFFICE OF THE COUNTY RECORDER OF WASHOE COUNTY, STATE OF NEVADA, ON FEBRUARY 8, 2005, AS FILE NO. 3166983 OF OFFICIAL RECORDS AND AS TRACT MAP NO. 4443, AND AS AMENDED BY CERTIFICATE OF AMENDMENT WHICH RECORDED SEPTEMBER 16, 2005, AS DOCUMENT NO. 3278062, OFFICIAL RECORDS OF WASHOE COUNTY, NEVADA.**

### **PARCEL 2:**

**AN UNDIVIDED 1/245TH INTEREST IN AND TO ALL COMMON ELEMENTS AS SET FORTH IN THAT CERTAIN DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR FALLEN LEAF, RECORDED FEBRUARY 8, 2005 AS DOCUMENT NO. 3166987, OF OFFICIAL RECORDS AND AS SHOWN ON OFFICIAL PLAT OF FALLEN LEAF @ GALENA CONDOMINIUMS, ACCORDING TO THE MAP FILED FOR RECORD IN THE OFFICE OF THE COUNTY RECORDER OF WASHOE COUNTY, STATE OF NEVADA, ON FEBRUARY 8, 2005, AS FILE NO. 3166983, OF OFFICIAL RECORDS AND AS TRACT MAP NO. 4443, AND AS AMENDED BY CERTIFICATE OF AMENDMENT WHICH**

Trustee Sale# **NV0938151-2** Order# **55004709****RECORDED SEPTEMBER 16, 2005, AS DOCUMENT NO. 3278062, OFFICIAL RECORDS OF WASHOE COUNTY, NEVADA.**

RECITALS: This conveyance is made pursuant to the powers conferred upon Trustee by that certain Deed of Trust dated **02/12/2007**, and executed by **LEANNE M. PINGUELO, AN UNMARRIED WOMAN** as Trustor, and **Recorded on 02/23/2007 as Document No. 3501555** of Official Records of **Washoe County, Nevada**, and after fulfillment of the conditions specified in said Deed of Trust authorizing this conveyance.

Default occurred as set forth in a Notice of Default and Election to Sell which was recorded in the Office of the Recorder of said County. All requirements of law regarding the mailing, personal delivery, and publication of copies of the Notice of Default and Election to Sell Under Deed of Trust and of the Notice of Trustee's Sale and the posting of copies of said Notice of Trustee's Sale have been complied with.

Trustee, in compliance with said Notice of Trustee's Sale and in exercise of its powers under said Deed of Trust sold the herein described property at public auction on **08/16/2011**. Grantee, being the highest bidder at said sale, became the purchaser of said property for the amount bid being **\$130,000.00** in lawful money of the United States, or by credit bid if the Grantee was the beneficiary of said Deed of Trust at the time of said Trustee's Sale.

Dated: **08/22/2011****TRUSTEE CORPS**


  
By: **Jim Reynolds**, authorized agent

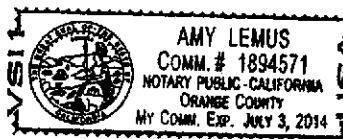
State of **CALIFORNIA**County of **ORANGE**

On **AUG 24 2011** before me, **Amy Lemus**, a notary public, personally appeared **Jim Reynolds** who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

  
Notary Public in and for said County and State



Amy Lemus  
Commission # 1894571  
Expires July 3, 2014